the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(f) FUNDING.—

(1) FEDERAL SHARE.—The Federal share of the cost of an activity carried out using amounts made available under a grant or cooperative agreement under this section shall be 100 percent, and such funds shall remain available until expended.

(2) ADVANCE PAYMENTS.—The Secretary may make advance payments as necessary to carry out the program under this section.

(g) LIMITATION OF REMEDIES.—

(1) SAME REMEDY AS IF UNITED STATES.—The remedy against the United States provided by sections 1346(b) and 2672 of title 28 for injury, loss of property, personal injury, or death shall apply to any claim against the National Academy of Sciences for money damages for injury, loss of property, personal injury, or death caused by any negligent or wrongful act or omission by employees and individuals described in paragraph (3) arising from activities conducted under or in connection with this section. Any such claim shall be subject to the limitations and exceptions which would be applicable to such claim if such claim were against the United States. With respect to any such claim, the Secretary shall be treated as the head of the appropriate Federal agency for purposes of sections 2672 and 2675 of title 28.

(2) EXCLUSIVENESS OF REMEDY.—The remedy referred to in paragraph (1) shall be exclusive of any other civil action or proceeding for the purpose of determining liability arising from any such act or omission without regard to when the act or omission occurred.

(3) TREATMENT.—Employees of the National Academy of Sciences and other individuals appointed by the president of the National Academy of Sciences and acting on its behalf in connection with activities carried out under this section shall be treated as if they are employees of the Federal Government under section 2671 of title 28 for purposes of a civil action or proceeding with respect to a claim described in paragraph (1). The civil action or proceeding shall proceed in the same manner as any proceeding under chapter 171 of title 28 or action against the United States filed pursuant to section 1346(b) of title 28 and shall be subject to the limitations and exceptions applicable to such a proceeding or action.

(4) SOURCES OF PAYMENTS.—Payment of any award, compromise, or settlement of a civil action or proceeding with respect to a claim described in paragraph (1) shall be paid first out of insurance maintained by the National Academy of Sciences, second from funds made available to carry out this section, and then from sums made available under section 1304 of title 31. For purposes of such section, such an award, compromise, or settlement shall be deemed to be a judgment, award, or settlement payable under section 2414 or 2672 of title 28. The Secretary may establish a reserve of funds to carry out this section for making payments under this paragraph.

(Added Pub. L. 109–59, title V, § 5210(a), Aug. 10, 2005, 119 Stat. 1801.)

PRIOR PROVISIONS

A prior section 510, added Pub. L. 91–605, title I, § 117(b), Dec. 31, 1970, 84 Stat. 1724, related to construction of replacement housing, prior to repeal by Pub. L. 91–646, title II, § 220(a)(10), Jan. 2, 1971, 84 Stat. 1903.

Another prior section 510 was renumbered section 511 of this title and subsequently repealed.

### § 511. Multistate corridor operations and management

(a) IN GENERAL.—The Secretary shall encourage multistate cooperative agreements, coalitions, or other arrangements to promote regional cooperation, planning, and shared project implementation for programs and projects to improve transportation system management and operations.

(b) INTERSTATE ROUTE 95 CORRIDOR COALITION TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—The Secretary shall make grants under this subsection to States to continue intelligent transportation system management and operations in the Interstate Route 95 corridor coalition region initiated under the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240).

(Added Pub. L. 109–59, title V, § 5211(a), Aug. 10, 2005, 119 Stat. 1804.)

REFERENCES IN TEXT

The Intermodal Surface Transportation Efficiency Act of 1991, referred to in subsec. (b), is Pub. L. 102–240, Dec. 18, 1991, 105 Stat. 1914, as amended. For complete classification of this Act to the Code, see Short Title of 1991 Amendment note set out under section 101 of Title 49, Transportation, and Tables.

PRIOR PROVISIONS

A prior section 511, formerly 510, added Pub. L. 90–495, § 30, Aug. 23, 1968, 82 Stat. 834; renumbered § 511, Pub. L. 91–605, title I, § 117(a), Dec. 31, 1970, 84 Stat. 1724, related to authority of Secretary, prior to repeal by Pub. L. 91–646, title II, § 220(a)(10), Jan. 2, 1971, 84 Stat. 1903.

Another prior section 511 was renumbered section 512 of this title and subsequently repealed.

### § 512. National ITS program plan

(a) IN GENERAL.—

(1) UPDATES.—Not later than 1 year after the date of enactment of the SAFETEA–LU, the Secretary, in consultation with interested stakeholders (including State transportation departments) shall develop a 5-year National Intelligent Transportation System (in this section referred to as ''ITS'') program plan.

(2) SCOPE.—The National ITS program plan shall—

(A) specify the goals, objectives, and milestones for the research and deployment of intelligent transportation systems in the contexts of—

(i) major metropolitan areas;

(ii) smaller metropolitan and rural areas; and

(iii) commercial vehicle operations;

(B) specify the manner in which specific programs and projects will achieve the goals, objectives, and milestones referred to in subparagraph (A), including consideration of a 5-year timeframe for the goals and objectives;

(C) identify activities that provide for the dynamic development, testing, and necessary revision of standards and protocols to promote and ensure interoperability in the implementation of intelligent transportation system technologies, including actions taken to establish standards; and

(D) establish a cooperative process with State and local governments for—

(i) determining desired surface transportation system performance levels; and

(ii) developing plans for accelerating the incorporation of specific intelligent transportation system capabilities into surface transportation systems.

(b) REPORTING.—The National ITS program plan shall be submitted and biennially updated as part of the transportation research and development strategic plan developed under section 508.

(Added Pub. L. 109–59, title V, § 5301(a), Aug. 10, 2005, 119 Stat. 1804.)

REFERENCES IN TEXT

The date of enactment of the SAFETEA–LU, referred to in subsec. (a)(1), is the date of enactment of Pub. L. 109–59, which was approved Aug. 10, 2005.

PRIOR PROVISIONS

A prior section 512, formerly 511, added Pub. L. 90–495, § 30, Aug. 23, 1968, 82 Stat. 834; renumbered § 512, Pub. L. 91–605, title I, § 117(a), Dec. 31, 1970, 84 Stat. 1724, related to definitions for chapter, prior to repeal by Pub. L. 91–646, title II, § 220(a)(10), Jan. 2, 1971, 84 Stat. 1903.

INTELLIGENT TRANSPORTATION SYSTEM PROGRAM

Pub. L. 109–59, title V, §§ 5303–5310, Aug. 10, 2005, 119 Stat. 1806–1813, provided that:

''SEC. 5303. GOALS AND PURPOSES.

''(a) GOALS.—The goals of the intelligent transportation system program include—

''(1) enhancement of surface transportation efficiency and facilitation of intermodalism and international trade to enable existing facilities to meet a significant portion of future transportation needs, including public access to employment, goods, and services and to reduce regulatory, financial, and other transaction costs to public agencies and system users;

''(2) achievement of national transportation safety goals, including the enhancement of safe operation of motor vehicles and nonmotorized vehicles and improved emergency response to a crash, with particular emphasis on decreasing the number and severity of collisions;

''(3) protection and enhancement of the natural environment and communities affected by surface transportation, with particular emphasis on assisting State and local governments to achieve national environmental goals;

''(4) accommodation of the needs of all users of surface transportation systems, including operators of commercial motor vehicles, passenger motor vehicles, motorcycles, bicycles and pedestrians, including individuals with disabilities; and

''(5) improvement of the Nation's ability to respond to security-related or other manmade emergencies and natural disasters and enhancement of national defense mobility.

''(b) PURPOSES.—The Secretary [of Transportation] shall implement activities under the intelligent system transportation program to, at a minimum—

''(1) expedite, in both metropolitan and rural areas, deployment and integration of intelligent transportation systems for consumers of passenger and freight transportation;

''(2) ensure that Federal, State, and local transportation officials have adequate knowledge of intelligent transportation systems for consideration in the transportation planning process;

''(3) improve regional cooperation and operations planning for effective intelligent transportation system deployment;

''(4) promote the innovative use of private resources;

''(5) facilitate, in cooperation with the motor vehicle industry, the introduction of vehicle-based safety enhancing systems;

''(6) support the application of intelligent transportation systems that increase the safety and efficiency of commercial motor vehicle operations;

''(7) develop a workforce capable of developing, operating, and maintaining intelligent transportation systems; and

''(8) provide continuing support for operations and maintenance of intelligent transportation systems.

''SEC. 5304. INFRASTRUCTURE DEVELOPMENT.

''Funds made available to carry out this subtitle [subtitle C (§§ 5301–5310) of title V of Pub. L. 109–59, enacting this section and section 513 of this title] for operational tests—

''(1) shall be used primarily for the development of intelligent transportation system infrastructure; and

''(2) to the maximum extent practicable, shall not be used for the construction of physical highway and public transportation infrastructure unless the construction is incidental and critically necessary to the implementation of an intelligent transportation system project.

''SEC. 5305. GENERAL AUTHORITIES AND REQUIREMENTS.

''(a) SCOPE.—Subject to the provisions of this subtitle [subtitle C (§§ 5301–5310) of title V of Pub. L. 109–59, enacting this section and section 513 of this title], the Secretary [of Transportation] shall conduct an ongoing intelligent transportation system program to research, develop, and operationally test intelligent transportation systems and to provide technical assistance in the nationwide application of those systems as a component of the surface transportation systems of the United States.

''(b) POLICY.—Intelligent transportation system research projects and operational tests funded pursuant to this subtitle shall encourage and not displace public-private partnerships or private sector investment in such tests and projects.

''(c) COOPERATION WITH GOVERNMENTAL, PRIVATE, AND EDUCATIONAL ENTITIES.—The Secretary shall carry out the intelligent transportation system program in cooperation with State and local governments and other public entities, the private sector firms of the United States, the Federal laboratories, and colleges and universities, including historically Black colleges and universities and other minority institutions of higher education.

''(d) CONSULTATION WITH FEDERAL OFFICIALS.—In carrying out the intelligent transportation system program, the Secretary shall consult with the heads of other Federal departments and agencies, as appropriate.

''(e) TECHNICAL ASSISTANCE, TRAINING, AND INFORMATION.—The Secretary may provide technical assistance, training, and information to State and local governments seeking to implement, operate, maintain, or evaluate intelligent transportation system technologies and services.

''(f) TRANSPORTATION PLANNING.—The Secretary may provide funding to support adequate consideration of transportation systems management and operations, including intelligent transportation systems, within metropolitan and statewide transportation planning processes.

''(g) INFORMATION CLEARINGHOUSE.—

''(1) IN GENERAL.—The Secretary shall—

''(A) maintain a repository for technical and safety data collected as a result of federally sponsored

projects carried out under this subtitle (including the amendments made by this subtitle); and

''(B) make, on request, that information (except for proprietary information and data) readily available to all users of the repository at an appropriate cost.

''(2) AGREEMENT.—

''(A) IN GENERAL.—The Secretary may enter into an agreement with a third party for the maintenance of the repository for technical and safety data under paragraph (1)(A).

''(B) FEDERAL FINANCIAL ASSISTANCE.—If the Secretary enters into an agreement with an entity for the maintenance of the repository, the entity shall be eligible for Federal financial assistance under this section.

''(3) AVAILABILITY OF INFORMATION.—Information in the repository shall not be subject to sections 552 and 555 of title 5, United States Code.

''(h) ADVISORY COMMITTEE.—

''(1) IN GENERAL.—The Secretary shall establish an Advisory Committee to advise the Secretary on carrying out this subtitle.

''(2) MEMBERSHIP.—The Advisory Committee shall have no more than 20 members, be balanced between metropolitan and rural interests, and include, at a minimum—

''(A) a representative from a State highway department;

''(B) a representative from a local highway department who is not from a metropolitan planning organization;

''(C) a representative from a State, local, or regional transit agency;

''(D) a representative from a metropolitan planning organization;

''(E) a private sector user of intelligent transportation system technologies;

''(F) an academic researcher with expertise in computer science or another information science field related to intelligent transportation systems, and who is not an expert on transportation issues;

''(G) an academic researcher who is a civil engineer;

''(H) an academic researcher who is a social scientist with expertise in transportation issues;

''(I) a representative from a nonprofit group representing the intelligent transportation system industry;

''(J) a representative from a public interest group concerned with safety;

''(K) a representative from a public interest group concerned with the impact of the transportation system on land use and residential patterns; and

''(L) members with expertise in planning, safety, and operations.

''(3) DUTIES.—The Advisory Committee shall, at a minimum, perform the following duties:

''(A) Provide input into the development of the Intelligent Transportation System aspects of the strategic plan under section 508 of title 23, United States Code.

''(B) Review, at least annually, areas of intelligent transportation systems research being considered for funding by the Department, to determine—

''(i) whether these activities are likely to advance either the state-of-the-practice or state-of-the-art in intelligent transportation systems;

''(ii) whether the intelligent transportation system technologies are likely to be deployed by users, and if not, to determine the barriers to deployment; and

''(iii) the appropriate roles for government and the private sector in investing in the research and technologies being considered.

''(4) REPORT.—Not later than February 1 of each year after the date of enactment of this Act [Aug. 10, 2005], the Secretary shall transmit to the Congress a report including—

''(A) all recommendations made by the Advisory Committee during the preceding calendar year;

''(B) an explanation of how the Secretary has implemented those recommendations; and

''(C) for recommendations not implemented, the reasons for rejecting the recommendations.

''(5) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Advisory Committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

''(i) REPORTING.—

''(1) GUIDELINES AND REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary shall issue guidelines and requirements for the reporting and evaluation of operational tests and deployment projects carried out under this subtitle.

''(B) OBJECTIVITY AND INDEPENDENCE.—The guidelines and requirements issued under subparagraph (A) shall include provisions to ensure the objectivity and independence of the reporting entity so as to avoid any real or apparent conflict of interest or potential influence on the outcome by parties to any such test or deployment project or by any other formal evaluation carried out under this subtitle.

''(C) FUNDING.—The guidelines and requirements issued under subparagraph (A) shall establish reporting funding levels based on the size and scope of each test or project that ensure adequate reporting of the results of the test or project.

''(2) SPECIAL RULE.—Any survey, questionnaire, or interview that the Secretary considers necessary to carry out the reporting of any test, deployment project, or program assessment activity under this subtitle shall not be subject to chapter 35 of title 44, United States Code.

''SEC. 5306. RESEARCH AND DEVELOPMENT.

''(a) IN GENERAL.—The Secretary [of Transportation] shall carry out a comprehensive program of intelligent transportation system research, development, and operational tests of intelligent vehicles and intelligent infrastructure systems and other similar activities that are necessary to carry out this subtitle [subtitle C (§§ 5301–5310) of title V of Pub. L. 109–59, enacting this section and section 513 of this title].

''(b) PRIORITY AREAS.—Under the program, the Secretary shall give higher priority to funding projects that—

''(1) enhance mobility and productivity through improved traffic management, incident management, transit management, freight management, road weather management, toll collection, traveler information, or highway operations systems and remote sensing products;

''(2) utilize interdisciplinary approaches to develop traffic management strategies and tools to address multiple impacts of congestion concurrently;

''(3) address traffic management, incident management, transit management, toll collection traveler information, or highway operations systems with goals of—

''(A) reducing metropolitan congestion by not less than 5 percent by 2010;

''(B) ensuring that a national, interoperable 5–1–1 system, along with a national traffic information system that includes a user-friendly, comprehensive website, is fully implemented for use by travelers throughout the United States by September 30, 2010; and

''(C)(i) improving incident management response, particularly in rural areas, so that rural emergency response times are reduced by an average of 10 minutes; and

''(ii) improving communication between emergency care providers and trauma centers;

''(4) incorporate research on the impact of environmental, weather, and natural conditions on intelligent transportation systems, including the effects of cold climates;

''(5) enhance intermodal use of intelligent transportation systems for diverse groups, including for emergency and health-related services;

''(6) enhance safety through improved crash avoidance and protection, crash and other notification, commercial motor vehicle operations, and infrastructure-based or cooperative safety systems; and

''(7) facilitate the integration of intelligent infrastructure, vehicle, and control technologies.

''(c) FEDERAL SHARE.—The Federal share of the cost of operational tests and demonstrations under subsection (a) shall not exceed 80 [sic].

''SEC. 5307. NATIONAL ARCHITECTURE AND STANDARDS.

''(a) IN GENERAL.—

''(1) DEVELOPMENT, IMPLEMENTATION, AND MAINTENANCE.—Consistent with section 12(d) of the National Technology Transfer and Advancement Act of 1995 [Pub. L. 104–113] (15 U.S.C. 272 note; 110 Stat. 783), the Secretary [of Transportation] shall develop, implement, and maintain a national architecture and supporting standards and protocols to promote the widespread use and evaluation of intelligent transportation system technology as a component of the surface transportation systems of the United States.

''(2) INTEROPERABILITY AND EFFICIENCY.—To the maximum extent practicable, the national architecture shall promote interoperability among, and efficiency of, intelligent transportation system technologies implemented throughout the United States.

''(3) USE OF STANDARDS DEVELOPMENT ORGANIZATIONS.—In carrying out this section, the Secretary shall use the services of such standards development organizations as the Secretary determines to be appropriate.

''(4) USE OF EXPERT PANEL.—

''(A) DESIGNATION.—The Secretary shall designate a panel of experts to recommend ways to expedite and streamline the process for developing the standards and protocols to be developed pursuant to paragraph (1).

''(B) NONAPPLICABILITY OF ADVISORY COMMITTEE ACT.—The expert panel shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

''(C) DEADLINE FOR RECOMMENDATION.—Not later than September 30, 2007, the expert panel shall provide the Secretary with a recommendation relating to such standards development.

''(b) PROVISIONAL STANDARDS.—

''(1) IN GENERAL.—If the Secretary finds that the development or balloting of an intelligent transportation system standard jeopardizes the timely achievement of the objectives identified in subsection (a), the Secretary may establish a provisional standard, after consultation with affected parties, using, to the extent practicable, the work product of appropriate standards development organizations.

''(2) PERIOD OF EFFECTIVENESS.—A provisional standard established under paragraph (1) shall be published in the Federal Register and remain in effect until the appropriate standards development organization adopts and publishes a standard.

''(c) CONFORMITY WITH NATIONAL ARCHITECTURE.—

''(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Secretary shall ensure that intelligent transportation system projects carried out using funds made available from the Highway Trust Fund, including funds made available under this subtitle to deploy intelligent transportation system technologies, conform to the national architecture, applicable standards or provisional standards, and protocols developed under subsection (a).

''(2) SECRETARY'S DISCRETION.—The Secretary may authorize exceptions to paragraph (1) for—

''(A) projects designed to achieve specific research objectives outlined in the national intelligent transportation system program plan or the surface transportation research and development strategic plan developed under section 508 of title 23, United States Code; or

''(B) the upgrade or expansion of an intelligent transportation system in existence on the date of enactment of this Act [Aug. 10, 2005] if the Secretary determines that the upgrade or expansion—

''(i) would not adversely affect the goals or purposes of this subtitle [subtitle C (§§ 5301–5310) of title V of Pub. L. 109–59, enacting this section and section 513 of this title];

''(ii) is carried out before the end of the useful life of such system; and

''(iii) is cost-effective as compared to alternatives that would meet the conformity requirement of paragraph (1).

''(3) EXCEPTIONS.—Paragraph (1) shall not apply to funds used for operation or maintenance of an intelligent transportation system in existence on the date of enactment of this Act.

''SEC. 5308. ROAD WEATHER RESEARCH AND DEVELOPMENT PROGRAM.

''(a) ESTABLISHMENT.—The Secretary [of Transportation] shall establish a road weather research and development program to—

''(1) maximize use of available road weather information and technologies;

''(2) expand road weather research and development efforts to enhance roadway safety, capacity, and efficiency while minimizing environmental impacts; and

''(3) promote technology transfer of effective road weather scientific and technological advances.

''(b) STAKEHOLDER INPUT.—In carrying out this section, the Secretary shall consult with the National Oceanic and Atmospheric Administration, the National Science Foundation, the American Association of State Highway and Transportation Officials, nonprofit organizations, and the private sector.

''(c) CONTENTS.—The program established under this section shall solely carry out research and development called for in the National Research Council's report entitled 'A Research Agenda for Improving Road Weather Services'. Such research and development includes—

''(1) integrating existing observational networks and data management systems for road weather applications;

''(2) improving weather modeling capabilities and forecast tools, such as the road surface and atmospheric interface;

''(3) enhancing mechanisms for communicating road weather information to users, such as transportation officials and the public; and

''(4) integrating road weather technologies into an information infrastructure.

''(d) ACTIVITIES.—In carrying out this section, the Secretary shall—

''(1) enable efficient technology transfer;

''(2) improve education and training of road weather information users, such as State and local transportation officials and private sector transportation contractors; and

''(3) coordinate with transportation weather research programs in other modes, such as aviation.

''(e) FUNDING.—

''(1) IN GENERAL.—In awarding funds under this section, the Secretary shall give preference to applications with significant matching funds from non-Federal sources.

''(2) FUNDS FOR ROAD WEATHER RESEARCH AND DEVELOPMENT.—Of the amounts made available by section 5101(a)(5) of this Act [119 Stat. 1779], $5,000,000 for each of fiscal years 2006 through 2009 shall be available to carry out this section.

''SEC. 5309. CENTERS FOR SURFACE TRANSPORTATION EXCELLENCE.

''(a) ESTABLISHMENT.—The Secretary [of Transportation] shall establish 4 centers for surface transportation excellence.

''(b) GOALS.—The goals of the centers for surface transportation excellence are to promote and support strategic national surface transportation programs and activities relating to the work of State departments of transportation in the areas of environment, surface transportation safety, rural safety, and project finance.

''(c) ROLE OF CENTERS.—To achieve the goals set forth in subsection (b), the Secretary shall establish the 4 centers as follows:

''(1) ENVIRONMENTAL EXCELLENCE.—To provide technical assistance, information sharing of best practices, and training in the use of tools and decision-making processes that can assist States in planning and delivering environmentally sound surface transportation projects.

''(2) SURFACE TRANSPORTATION SAFETY.—To develop and disseminate advanced transportation safety techniques and innovations in both rural areas and urban communities. The center will use a controlled access highway with state-of-the-art features, to test safety devices and techniques that enhance driver performance, examine advanced pavement and lighting systems, and develop techniques to address older driver and fatigue driver issues.

''(3) RURAL SAFETY.—To provide research, training, and outreach on innovative uses of technology to enhance rural safety and economic development, assess local community needs to improve access to mobile emergency treatment, and develop online and seminar training needs of rural transportation practitioners and policy-makers.

''(4) PROJECT FINANCE.—To provide support to State transportation departments in the development of finance plans and project oversight tools and to develop and offer training in state-of-the-art financing methods to advance projects and leverage funds.

''(d) FUNDING.—

''(1) IN GENERAL.—Of the amounts made available by section 5101(a)(1) of this Act [119 Stat. 1779], $3,750,000 for each of fiscal years 2006 through 2009 shall be available to carry out this section.

''(2) ALLOCATION OF FUNDS.—Of the funds made available under paragraph (1) the Secretary shall use such amounts as follows:

''(A) $1,250,000 to establish the Center for Environmental Excellence.

''(B) $750,000 to establish the Center for Excellence in Surface Transportation Safety at the Virginia Tech Transportation Institute.

''(C) $875,000 to establish the Center for Excellence in Rural Safety at the Hubert H. Humphrey Institute, Minnesota.

''(D) $875,000 to establish the Center for Excellence in Project Finance.

''(3) APPLICABILITY OF TITLE 23.—Funds authorized by this section shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share shall be 100 percent.

''(e) PROGRAM ADMINISTRATION.—

''(1) COMPETITION.—A party entering into a contract, cooperative agreement, or other transaction with the Secretary, or receiving a grant to perform research or provide technical assistance under subsections (d)(2)(A) and (d)(2)(D) shall be selected on a competitive basis, to the maximum extent practicable.

''(2) STRATEGIC PLAN.—The Secretary shall require each center to develop a multiyear strategic plan that describes—

''(A) the activities to be undertaken; and

''(B) how the work of the center is coordinated with the activities of the Federal Highway Administration and the various other research, development, and technology transfer activities authorized by this title [see Tables for classification]. Such plans shall be submitted to the Secretary by January 1, 2006, and each year thereafter.

''SEC. 5310. DEFINITIONS.

''In this subtitle [subtitle C (§§ 5301–5310) of title V of Pub. L. 109–59, enacting this section and section 513 of this title], the following definitions apply:

''(1) INCIDENT.—The term 'incident' means a crash, a natural disaster, workzone activity, special event, or other emergency road user occurrence that adversely affects or impedes the normal flow of traffic.

''(2) INTELLIGENT TRANSPORTATION INFRASTRUCTURE.—The term 'intelligent transportation infrastructure' means fully integrated public sector intelligent transportation system components, as defined by the Secretary [of Transportation].

''(3) INTELLIGENT TRANSPORTATION SYSTEM.—The term 'intelligent transportation system' means electronics, photonics, communications, or information processing used singly or in combination to improve the efficiency or safety of a surface transportation system.

''(4) NATIONAL ARCHITECTURE.—The term 'national architecture' means the common framework for interoperability that defines—

''(A) the functions associated with intelligent transportation system user services;

''(B) the physical entities or subsystems within which the functions reside;

''(C) the data interfaces and information flows between physical subsystems; and

''(D) the communications requirements associated with the information flows.

''(5) PROJECT.—The term 'project' means an undertaking to research, develop, or operationally test intelligent transportation systems or any other undertaking eligible for assistance under this subtitle.

''(6) STANDARD.—The term 'standard' means a document that—

''(A) contains technical specifications or other precise criteria for intelligent transportation systems that are to be used consistently as rules, guidelines, or definitions of characteristics so as to ensure that materials, products, processes, and services are fit for their purposes; and

''(B) may support the national architecture and promote—

''(i) the widespread use and adoption of intelligent transportation system technology as a component of the surface transportation systems of the United States; and

''(ii) interoperability among intelligent transportation system technologies implemented throughout the States.

''(7) STATE.—The term 'State' has the meaning given the term under section 101 of title 23, United States Code.

''(8) TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.—The term 'transportation systems management and operations' has the meaning given the term under section 101(a) of title 23, United States Code [section 101(a) of this title does not define the term].''

ENVIRONMENTAL REVIEW OF ACTIVITIES THAT SUPPORT DEPLOYMENT OF INTELLIGENT TRANSPORTATION SYSTEMS

Pub. L. 109–59, title VI, § 6010, Aug. 10, 2005, 119 Stat. 1877, provided that:

''(a) CATEGORICAL EXCLUSIONS.—Not later than one year after the date of enactment of this Act [Aug. 10, 2005], the Secretary [of Transportation] shall initiate a rulemaking process to establish, to the extent appropriate, categorical exclusions for activities that support the deployment of intelligent transportation infrastructure and systems from the requirement that an environmental assessment or an environmental impact statement be prepared under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332) in compliance with the standards for categorical exclusions established by that Act [42 U.S.C. 4321 et seq.].

''(b) NATIONWIDE PROGRAMMATIC AGREEMENT.—

''(1) DEVELOPMENT.—The Secretary [of Transportation] shall develop a nationwide programmatic agreement governing the review of activities that support the deployment of intelligent transportation infrastructure and systems in accordance with section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and the regulations of the Advisory Council on Historic Preservation.

''(2) CONSULTATION.—The Secretary shall develop the agreement under paragraph (1) in consultation

with the National Conference of State Historic Preservation Officers and the Advisory Council on Historic Preservation established under title II of the National Historic Preservation Act (26 U.S.C. 470i et seq.) and after soliciting the views of other interested parties.

''(c) INTELLIGENT TRANSPORTATION INFRASTRUCTURE AND SYSTEMS DEFINED.—In this section, the term 'intelligent transportation infrastructure and systems' means intelligent transportation infrastructure and intelligent transportation systems, as such terms are defined in subtitle C of title V of this Act [subtitle C (§§ 5301–5310) of title V of Pub. L. 109–59, enacting this section and section 513 of this title and provisions set out as a note above].''

### § 513. Use of funds for ITS activities

(a) IN GENERAL.—For each fiscal year, not more than $250,000 of the funds made available to carry out this[1] subtitle C of title V of the SAFETEA–LU shall be used for intelligent transportation system outreach, public relations, displays, tours, and brochures.

(b) APPLICABILITY.—Subsection (a) shall not apply to intelligent transportation system training, scholarships, or the publication or distribution of research findings, technical guidance, or similar documents.

(Added Pub. L. 109–59, title V, § 5302(a), Aug. 10, 2005, 119 Stat. 1805.)

REFERENCES IN TEXT

Subtitle C of title V of the SAFETEA–LU, referred to in subsec. (a), is subtitle C (§§ 5301–5310) of title V of Pub. L. 109–59, Aug. 10, 2005, 119 Stat. 1804–1813, which enacted this section and section 512 of this title and provisions set out as a note under section 512 of this title.

## CHAPTER 6—INFRASTRUCTURE FINANCE



CODIFICATION

This chapter, consisting of sections 601 to 610 of this title, was previously set out as subchapter II, consisting of sections 181 to 190, of chapter 1 of this title.

### § 601. Generally applicable provisions

(a) DEFINITIONS.—In this chapter, the following definitions apply:

(1) ELIGIBLE PROJECT COSTS.—The term ''eligible project costs'' means amounts substantially all of which are paid by, or for the account of, an obligor in connection with a project, including the cost of—

(A) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;

(B) construction, reconstruction, rehabilitation, replacement, and acquisition of real property (including land related to the project and improvements to land), environmental mitigation, construction contingencies, and acquisition of equipment; and

(C) capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction.

(2) FEDERAL CREDIT INSTRUMENT.—The term ''Federal credit instrument'' means a secured loan, loan guarantee, or line of credit authorized to be made available under this chapter with respect to a project.

(3) INVESTMENT-GRADE RATING.—The term ''investment-grade rating'' means a rating of BBB minus, Baa3, bbb minus, BBB (low), or higher assigned by a rating agency to project obligations.

(4) LENDER.—The term ''lender'' means any non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)), including—

(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

(5) LINE OF CREDIT.—The term ''line of credit'' means an agreement entered into by the Secretary with an obligor under section 604 to provide a direct loan at a future date upon the occurrence of certain events.

(6) LOAN GUARANTEE.—The term ''loan guarantee'' means any guarantee or other pledge by the Secretary to pay all or part of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

(7) OBLIGOR.—The term ''obligor'' means a party primarily liable for payment of the principal of or interest on a Federal credit instrument, which party may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

(8) PROJECT.—The term ''project'' means—

(A) any surface transportation project eligible for Federal assistance under this title or chapter 53 of title 49;

(B) a project for an international bridge or tunnel for which an international entity authorized under Federal or State law is responsible;

(C) a project for intercity passenger bus or rail facilities and vehicles, including facilities and vehicles owned by the National Railroad Passenger Corporation and components of magnetic levitation transportation systems; and

(D) a project that—

(i) is a project—

(I) for a public freight rail facility or a private facility providing public benefit for highway users;

[1] So in original.